

# FARMINGTON CITY COUNCIL MEETING

Tuesday, February 3, 2009

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, and Recording Secretary Kami Mahan. Also present were Rich Haws and other representatives of the Station Park development, and Ron Martinez and representatives of America West Development.

**Mayor Harbertson** began discussion at 5:30 p.m. **Sid Young** offered the invocation. The following items were reviewed:

### “Road to the North” Report

**Mayor Harbertson** welcomed everyone present and turned the time over to developer Rich Haws who owns land north of Park Lane and west of I-15.

Copies of the “Background to the Requested Station Parkway Design and Exchange Agreement” were distributed to the Council and **Mr. Haws** displayed several map graphics of the Station Park road project. He reviewed a brief history of the plan and emphasized that the current proposal is very similar to, and consistent with, what was originally proposed. He said their intent was to acquire funds for future RDA projects.

**Rich Haws** explained the differences in the prior and the current right-of-way design proposals. He noted that the Cooks agree in concept, and that this is a win-win situation. He said the proposed road systems and connections fit the grid system shown on the Regulatory Plan. He pointed out the Promenade Plan and explained the proposed changes in landscaping, sidewalk, and street width, and again noted that there is very little variation from the prior plan. He said there will be a striped turn lane, which is the only real difference from what the City’s consultants have shown.

**Mr. Haws** reviewed the proposed improvements. He encouraged the City to stay the course on this issue and added that they want the road to look like a parkway. **Max Forbush** and **Mayor Harbertson** expressed concern that the economic downturn may affect both the City’s and CenterCal’s funding potential on the project.

**Mr. Haws** said timing requires that the road be completed by September of 2010 and he wants this to stay a priority. He encouraged the Council to fund the consultants and keep the project moving forward. **Mr. Haws** said they hope to return with a Phase Plan within six months.



There was a discussion of the proposed street cross section and the speed limit, which will probably be posted at 35-40 miles per hour. **Rich Haws** prefers that the road not be defined as a principal road. He wants a lower speed limit to induce drivers into the project. **Mr. Haws** stated that the road will be named "Station Parkway."

**Mr. Haws** said that the Burke Lane piece which was not vacated is anticipated in the road agreement. The only thing left to determine is the value of the land.

They will name the project Farmington Square, to avoid confusion with Station Park.

**(Agenda Item #2): Approval of Minutes**

The Council reviewed the minutes of the January 20, 2009, regular City Council meeting and made corrections. They also reviewed the January 20, 2009 Special City Council minutes.

**(Agenda Item #4): Public Hearing: Consideration of Ordinance rezoning two adjacent City parcels located at 130 North Main Street and 142 North Main Street from Original Townsite Residential (OTR) to Business Residential (BR) (Z-1-09).**

**Mayor Harbertson** stated that it would be beneficial to approve the rezoning of these parcels.

**(Agenda Item #5): Public Hearing: Consideration of Ordinance amending Chapter 5 of Title 11 (Board of Adjustments Chapter) regarding variance review standards and other minor changes. (ZT-08-08).**

**Mayor Harbertson** briefly reviewed this item, and said this Ordinance is being amended because State Code supercedes policies, which necessitates incorporating the State Code into Chapter 5. They also want to coordinate dates with the Planning Commission.

**(Agenda Item #6): Public Hearing: Consideration of an amendment to the City's Master Transportation Plan and Mixed Use Ordinance (Chapter 18). The proposed changes include changes to amend the cross section and proposed locations of a major collector road running northwest from Park Lane and connecting to Burke Lane (ZT-1-09)/Review of proposed exchange agreement pertaining to the conveyance of the right of way.**

**The Mayor** stated that since there had not yet been a recommendation from the Planning Commission, a minute motion was needed to continue the matter to January 17<sup>th</sup>.

**(Agenda Item #7): Consideration of Scott and Krista Bass request for salvage rights to some items in their leased home.**



**Mayor Harbertson** explained that the Basses want to remove items from the home prior to its demolition. They will be given an approximate two week time frame to do this, which allows the City to then get crews in to start the demolition process.

**(Agenda Item #7): Request to hold Preparedness Fair at Community Center. (Agenda Item #8)**

**Mayor Harbertson** said the Preparedness Coordinator was originally concerned about the cost of holding this event at the Junior High School, but the rental fees will actually be only \$35.00 per hour.

**(Agenda Item #9): Request for citizens to open Farmington Pond access road during winter months or adopt Resolution to keep access gate closed during winter months.**

**Mayor Harbertson** said that staff is recommending closing the road to the pond in winter due to its low priority during snow removal. **Dave Hale** is concerned about liability if the road is opened. It was pointed out that there is foot access to the pond. **Max Forbush** said the Public Works and Parks and Recreation departments would be willing to do the necessary work if the gate is kept open, which has been the case in the past.

**(Agenda Item #11): Discussion regarding Creekside HOA/City proposed agreement with related issues pertaining to vacation of public trail access and indemnification concerns of HOA.**

**Max Forbush** said the Creekside HOA elected a new board, which wants the City to eliminate the hold harmless clause in the agreement. He said it is a matter of weighing the risk against the benefit. He believes it is more of a benefit. The City has received a petition from Laur Barker requesting that the trail be vacated to him. If the Council agrees to the vacation, after the agreement is signed and recorded notice published for four consecutive weeks, a public hearing would be held and the Council would then vote on the vacation.

**Sid Young** said the Trails Committee would like to have some kind of trail open in this area. **Max Forbush** responded that if it is vacated, there is no guarantee of what would happen thereafter.

**(Agenda Item #12): Review “Draft” Amendment to Somerset Settlement Agreement.**

**Max Forbush** explained the terms of this agreement.

**(Agenda Item #13): Resolution amending the City’s Consolidated Fee Schedule relating to fees associated with renting Community Arts Center on certain holidays.**

**Max Forbush** reviewed the proposed changes in the wording of the Resolution.



**(Agenda Item #14): Proposed processes for amending the City's Sign Ordinance including assignment of a Review Committee.**

**Mayor Harbertson** reported on a meeting held with Bryson Garbett of Garbett Homes who was interested on relaxing enforcement of the sign ordinance. Bryson also suggested some options to encourage home building which would in turn stimulate the economy and benefit the City. He told of a Sandy City three-month moratorium not enforcing policy on real estate signs which was implemented, thereby giving developers more latitude. It was noted that implementation may take time and won't benefit the market now.

There was discussion with respect to different types of signs, and it was agreed that a widespread application of this matter should be addressed. The Council also agreed to involve the Planning Commission with this issue on a limited basis, and that the Planning Commission chairman can decide which members participate.

**(Agenda Item #15): Review of proposed "Site Plan Architectural Review Committee Bylaws - Second Reading.**

**Max Forbush** said clarification needs to be made on whether the voting should involve a committee quorum. He said the City attorney indicates that the committee needs to comply with public notice and hearing policies if it is created as a formally appointed committee. **Glenn Symes** said that legal counsel has advised that an uneven number of voters is necessary. Attorneys are working on the Bylaw language.

**Mayor Harbertson** said that compensation also needs to be clarified, and Council Members agreed this should be spelled out in the ordinance.

**(Agenda Item #16): Review of CRS Engineering proposal for the testing and analysis of the Farmington Area Aquifer Area System.**

**Mayor Harbertson** reviewed this item. **Paul Hirst** explained that an additional well is prudent in the event that one malfunctions. He said development in west Farmington has produced the need for additional water storage, supply, and distribution. **Dave Hale** felt that it needs to be assured that developments are producing income so that the major burden is not on the established population.

**Paul Hirst** stated that 5.5 million dollars worth of improvements are needed because of newer development. He explained CRS's proposal for the testing and analysis of the aquifer system. He said they are trying to be transparent with Weber Basin Water Conservancy District and want its involvement which will increase the possibility of cooperation. He reported that Weber Basin is in agreement. **Mr. Hirst** said the benefit of the analysis is to determine whether an additional well can be placed in the area without impacting the other wells. Furthermore, if the results are disappointing,



the analysis still gives performance information on Well #1. If a replacement well is constructed, this may increase production in Well #1. The City needs 2,200 gallons per minute.

**Max Forbush** noted that the City is spending \$20,000 on the analysis, which will include modeling that will help State engineers understand the capacity of the aquifer. If water is found with the new drilling and it does not affect the other wells, the City has a stronger case. **Mr. Forbush** feels that it is better to spend the money now and perform the analysis. If the results are favorable, it would be prudent to drill in the aquifer instead of going further north to drill where the potential for water is unknown. **Paul Hirst** added that it is vital to test immediately to ensure accuracy of the information. He said delaying after April when there is increased demand would pollute the data.

The meeting adjourned at 6:57 p.m.

### **REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

**Mayor Harbertson** called the meeting to order at 7:05 p.m. He welcomed the Youth City Council members who were present. **Cory Ritz** offered the invocation, and the Pledge of Allegiance was led by Boy Scout **Matt Gibson**.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)**

The minutes of the January 20, 2009, regular City Council meeting, and the Special City Council meeting held January 20, 2009, were reviewed during the work session.

### **Motions**

**Rick Dutson** moved to approve the minutes of the meeting held January 6, 2009, with changes as noted. **Paula Alder** seconded the motion, which passed unanimously. **Rick Dutson** also made a motion to approve the minutes of the Special City Council meeting held January 20, 2009. The motion was seconded by **David Hale**, and was unanimously approved.

### **PLANNING COMMISSION REPORT (Agenda Item #4)**

Planning Commission Chairman **John Bilton** reported on the proceedings of the Planning Commission meeting held January 29, 2009. He reviewed the following items:



- The Planning Commission recommended denial of Dwight Poulson's request for a zone change from LR to R-4 at 1266 North Main Street.
- The Planning Commission recommended approval of Farmington City's request for a zone change from OTR to BR on property located at 130 North Main and 142 North Main Street.
- The Planning Commission continued the decision regarding amendments to the Farmington City Master Transportation Plan and the Mixed Use Chapter 18 of the Zoning Ordinance, pending further review. This item will return to the Commission on February 12<sup>th</sup>.
- The Planning Commission passed a Resolution requesting that the City Council contact legislators with respect to the City's objection to two House bills regarding billboards.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING TWO ADJACENT CITY PARCELS LOCATED AT 130 NORTH MAIN STREET AND 142 NORTH MAIN STREET FROM ORIGINAL TOWNSITE RESIDENTIAL (OTR) TO BUSINESS RESIDENTIAL (BR) (Z-1-09). (Agenda Item #4)**

**Mayor Harbertson** introduced this Agenda item.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing at 7:16 p.m. There were no public comments, and the hearing was closed.

There was no further discussion.

**Motion**

**Sid Young** moved to adopt the Ordinance changing the zoning from OTR to BR. **Cory Ritz** seconded the motion, which was unanimously approved.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING CHAPTER 5 OF TITLE 11 (BOARD OF ADJUSTMENTS CHAPTER) REGARDING VARIANCE REVIEW STANDARDS AND OTHER MINOR CHANGES (ZT-08-08). (Agenda Item #5)**

**Glenn Symes** briefly reviewed this item, and said the intent was to mirror the State ordinance, which is quite specific. He explained the proposed changes on the "Variance Review" criteria (11-5-108, a-e). He also explained that changes under Section 11-5-102 regarding Board Members will



include having terms coincide the those of Planning Commission appointees'. **Mr. Symes** also pointed out a minor wording change in Section 11-5-105 regarding "Zoning Administrator's Determinations".

### **Public Hearing**

**Mayor Harbertson** opened the public hearing at 7:19 p.m. No one spoke, and **The Mayor** closed the hearing.

### **Motion**

**David Hale** moved to adopt the Ordinance amending Chapter 5 of Title 11, having Board of Adjustment terms running from January to December, and other changes as noted. The motion was seconded by **Rick Dutson**, and passed by a unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF AN AMENDMENT TO THE CITY'S MASTER TRANSPORTATION PLAN AND MIXED USE ORDINANCE (CHAPTER 18). THE PROPOSED CHANGES INCLUDE CHANGES TO AMEND THE CROSS SECTION AND PROPOSED LOCATIONS OF A MAJOR COLLECTOR ROAD RUNNING NORTHWEST FROM PARK LANE AND CONNECTING TO BURKE LANE (ZT-1-09)/REVIEW OF PROPOSED EXCHANGE AGREEMENT PERTAINING TO THE CONVEYANCE OF THE RIGHT OF WAY. (Agenda Item #6)**

**Mayor Harbertson** introduced this item. **David Petersen** displayed an overhead map of the area and the Regulatory Plan. He reviewed the background information of this Agenda item and noted the similarities of the proposed road system as compared with the original plan. He also explained how the number of lanes, the landscaping, bike lanes, and sidewalks could work into future development for increased road needs. He said the Planning Commission needs more time to review the proposal, and that the matter was delayed until the February 12<sup>th</sup> meeting. He recommended that the Council continue the public hearing to the February 17<sup>th</sup> City Council meeting.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing at 7:33 p.m.. There were no comments.

### **Motion**

**Rick Dutson** moved to continue this Agenda item to February 17<sup>th</sup>, 2009, and **Paula Alder** seconded the motion, which passed unanimously.



**CONSIDERATION OF SCOTT AND KRISTA BASS REQUEST FOR SALVAGE RIGHTS TO SOME ITEMS IN THEIR LEASED HOME. (Agenda Item #7)**

**Mayor Harbertson** reported that staff recommends allowing the Bases a time period from approximately the end of March until April 5th, to salvage items from the home prior to its demolition. The Council agreed with this proposal.

**Motion**

**David Hale** made a motion to grant the Bases' request to salvage items from their leased home. **Paula Alder** seconded the motion, which passed by a unanimous vote.

**REQUEST TO HOLD PREPAREDNESS FAIR AT COMMUNITY CENTER. (Agenda Item #8)**

**Mayor Harbertson** said that Preparedness Coordinator Paul White had assumed that using Farmington Junior High School for the Preparedness Fair would be costly. However, the cost is only \$35.00 per hour, which is well within his budget. The recommendation is to have staff instruct him to pursue the Junior High option. **Margy Lomax** said the event is scheduled for April 25<sup>th</sup>.

During the remainder of the meeting the Council handled Agenda items in the following order: Agenda items #9, #10, #12, #13, #14, #11, they returned to #9, and continued in order, but handled #21 prior to #18, #19, #20, and #22.

**REQUEST FOR CITIZENS TO OPEN FARMINGTON POND ACCESS ROAD DURING WINTER MONTHS OR ADOPT RESOLUTION TO KEEP ACCESS GATE CLOSED DURING WINTER MONTHS. (Agenda Item #9)**

**Mayor Harbertson** explained that the pond has been used for ice fishing in the past. He said this year the gate has been closed due to the road's low priority during snow removal, and as a result drivers can easily become stuck in the snow. He said Public Works and the Parks and Recreation departments have indicated their willingness to follow the City's wishes on the matter. **The Mayor** asked the Council for input.

**Rick Dutson** prefers keeping the gate closed in order to reduce the workload of staff, and so that sanitation problems do not become an issue with closed restrooms. **Dave Hale** agreed and also is concerned with liability. **Mayor Harbertson** pointed out that this is one of the only fisheries that accommodate handicapped accessibility. The Council briefly discussed the fishing opportunities and use of the pond in winter.



**Sid Young** felt that the main issue is access. He believes signs should be posted at the pond warning about the dangers. **Mayor Harbertson** also expressed his concern about the danger of thin ice on the pond, the results of which he has personally witnessed. Other Council Members agreed with posting warning signs and prohibiting parking. The Council reviewed the proposed Resolution and it was agreed that language should be included in Section 2 to address signage to warn of danger and users' assuming of liability.

### **Motion**

**Rick Dutson** moved to adopt the Resolution, pending legal review, and to include language regarding signage that specifies that the pond is open, parking is closed, and that users assume all liability. **Sid Young** seconded the motion, which passed by a unanimous vote.

**The Mayor** noted that users can find updated information on fishing conditions on the City's website.

The Council moved to Agenda item #12.

### **MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)**

- **Ratification of Approvals of Construction Bond Agreement**
- **Approval of December's Disbursement List**
- **Approval of Land & Water Conservation Fund Agreement with State of Utah**
- **Approval of Farmington Culinary Water Master Plan Study/Professional Services Agreement with CRS Engineers**

\_\_\_\_\_ **Mayor Harbertson** briefly reviewed each of the Summary Action items.

### **Motion**

**Sid Young** made a motion to approve the Summary Action List. **Cory Ritz** seconded the motion, which passed by a unanimous vote.

### **DISCUSSION REGARDING CREEKSIDE HOA/CITY PROPOSED AGREEMENT WITH RELATED ISSUES PERTAINING TO VACATION OF PUBLIC TRAIL ACCESS AND INDEMNIFICATION CONCERNS OF HOA. (Agenda Item #11)**

**Mayor Harbertson** stated that the HOA was concerned about indemnification, and that the City attorneys did not have concerns about removing this phrase from the agreement because of the minimal risk. He explained the process of vacation and public notice.



**Max Forbush** explained that there is a history of discussion of the City and the HOA regarding the maintenance of the sidewalks and grass strip of Glover Lane and 200 East. He said they attempted to reach a compromise wherein the City would maintain the sidewalk and the HOA would maintain the interior grass sections of the street rights of way. Initially this area was maintained by an agreement that terminated after five years. An agreement needs to be reached where there will be long term maintenance by both parties.

**Sid Young** was concerned about other objections some HOA members may have to the agreement pertaining to the proposed closing of the walkway in the interior which leads to 200 East adjacent to the Laur and Paula Barker property. Mr. Young raised the possibility of having an easement to still allow access to the trail and to 200 East.

The Council returned to Agenda item #9.

Later in the evening, former HOA President **Scott Weiler**, and board members **Laur Barker**, **Jack Barnett**, and **Kevin Bullock** arrived at the meeting. **Scott Weiler** thanked **Sid Young** for his help in working with the him and the HOA. He reported that a vote on the City's proposal resulted in 14 out of 17 members being conceptually in favor of the agreement. There were two "no" votes due to the paragraph regarding the trail. Another member voting against the agreement wants language included about defending the HOA on sidewalks. The HOA does not want to be held liable in the event of a lawsuit. They would like further refinements of the language prior to giving approval. They have a 75% approval rate, but there are other remaining members who have yet to be contacted for their vote.

**Max Forbush** suggested that **Laur Barker's** petition could be considered, and the City could provide notice for four weeks and hold a public hearing in the meantime. He said the City had wanted the agreement recorded so the matter could be resolved. The Council discussed approving a tentative agreement without recording it, wherein the HOA Board would administer and maintain the landscape. **Mr. Forbush** said that City attorney Todd Godfrey suggested that the CC&R's be amended to allow this. He said this could be tied with the ordinance, and if more than 75% vote in favor, it could then be recorded.

**Scott Weiler** responded that a 75% minimum is needed for approval. He said two members who have not yet voted may be difficult to persuade in favor. **Kevin Bullock** stated that at the annual meeting there was a motion passed that supported the petition of the Barkers (to vacate the trail) so that access to 200 East would remain open. He said the HOA is comfortable vacating to the Barkers, and suggested that this issue and the liability issue can be separated. He questions whether there is authority to bind all lots with a perpetual agreement with the City. He said if the language is removed about running with the land, this eliminates the need to bind. They are comfortable with an easement.



**Sid Young** pointed out if the agreement is not recorded, this issue could arise again with later owners. **Max Forbush** said that the City attorney has indicated that it is binding if the CC&R's are amended. **Mayor Harbertson** said he does not have a problem taking the trail issue out of this agreement and moving ahead with a public hearing notice. **Laur Barker** stated that it is their intent to leave the access open, but he wants the freedom to close it if there is ever a problem. He pointed out that it is not ADA approved.

The Council discussed the issue. **Sid Young** questioned whether the vacation can occur without any legal problems. **Max Forbush** said that it could if the proper legal process is followed, and that he would consult with the City attorney return the matter to the Council. **Mayor Harbertson** advised HOA board members to submit a proposal to the City Manager.

**REVIEW "DRAFT" AMENDMENT TO SOMERSET SETTLEMENT AGREEMENT. (Agenda Item #12)**

**Mayor Harbertson** explained that this agreement provides that the HOA pays \$4,000 that is owed the City for the storm drain, and the City pays \$3,100 for the last fiscal year's lighting bill. At that time the account would be put into the City's name, and any unpaid bills from the first of the year will be paid until the City starts receiving the bills. HOA President **Jim Hefner**, who was present at the meeting, said the City Manager had indicated that the HOA could handle the accounting on this matter. **The Mayor** clarified that this was still a rough draft, and that the HOA's attorney will also be reviewing the agreement.

**Motion**

A motion was made by **Rick Dutson** to amend the Somerset Settlement Agreement, pending approval by the HOA and it's legal counsel. **Paula Alder** seconded the motion, and the Council voted unanimously in favor.

**RESOLUTION AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE RELATING TO FEES ASSOCIATED WITH RENTING COMMUNITY ARTS CENTER ON CERTAIN HOLIDAYS. (Agenda Item #13)**

**Mayor Harbertson** clarified that the proposed fees apply only to Christmas Eve, Christmas Day, Thanksgiving, and New Years Day. Other holidays are considered regular rental days. The increase would be an additional \$40.00 per hour added to the regular rental fee. The Council reviewed other specific charges as stated on the proposed fee schedule and made recommendations regarding site supervisor fees and resident vs. non-resident fees for the above holidays.

**Motion**



**Paula Alder** moved to approve the Consolidated Fee Schedule, with the changes as noted. The motion was seconded by **Rick Dutson**, and passed unanimously.

**PROPOSED PROCESSES FOR AMENDING THE CITY'S SIGN ORDINANCE INCLUDING ASSIGNMENT OF A REVIEW COMMITTEE. (Agenda Item #14)**

**Mayor Harbertson** explained that two City Council members will be included on the Review committee. **David Hale** and **Rick Dutson** agreed to this assignment.

**Motion**

**Paula Alder** moved to assign **David Hale** and **Rick Dutson** to the Sign Ordinance Review Committee, and to appoint three members of the Planning Commission, to be selected by the Commission Chairman. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

The Council returned to Agenda item #11.

**REVIEW OF PROPOSED "SITE PLAN ARCHITECTURAL REVIEW COMMITTEE" BYLAWS - SECOND READING. (Agenda Item #15)**

**Mayor Harbertson** said that suggestions were made in the work session concerning voting and compensation pay for Planning Commission members and consulting firms. A public hearing will be held to notify landowners.

**REVIEW OF CRS ENGINEERING PROPOSAL FOR THE TESTING AND ANALYSIS OF THE FARMINGTON AREA AQUIFER AREA SYSTEM. (Agenda Item #16)**

**Mayor Harbertson** stated that details of this issue were discussed during the work session. He reported that City Engineer **Paul Hirst** has estimated the cost for the analysis to be approximately half of the allotted \$20,000 fee. The work needs to be started immediately.

**Motion**

**Rick Dutson** made a motion to authorize CRS to move forward with testing and analysis of the Farmington Aquifer System. The motion was seconded by **Paula Alder** and was unanimously approved.

**David Hale** and **Sid Young** felt that it was a good proposal at a reasonable price. **Mayor Harbertson** encouraged staff to work with Weber Basin and Lagoon to enlist their financial help since they will share the in the benefit.



**REVIEW OF CORRESPONDENCE PERTAINING TO PENDING POLICY DIRECTION**  
**(Agenda Item 17)**

- **Chief Larry Gregory - remodel of Fire Station**
- **Lowell Johnson - “Welcome to Farmington” sign**
- **Matt McCullough - Proposed element of website survey regarding recycling**

**Mayor Harbertson** explained that in order to make the remodel allocation of \$250,000 stretch as far as possible, Fire Chief Larry Gregory is proposing that several firefighters, some of whom are licensed contractors, be allowed to do some of the work. **Max Forbush** is checking with Architect Dave Dixon and Associates, who will draw up remodeling plans at a cost of \$7,500, which is very reasonable. The remodeling process will be started following demolition of some of the non-bearing interior walls. The project will be bid out and a contractor selected, and the qualified sub-contractors who are also firefighters, would be allowed to subcontract for the work should they be the low bid.

**Rick Dutson** said that it was important that the firefighters be covered by workman’s compensation and liability insurance, as well as be licensed by the State before they be allowed to do any work, including demolition. **Mayor Harbertson** said he thought they were licensed, but that their liability needs to be verified.

**The Mayor** reported that the police are in the process of moving into the new Police Station.

Regarding Lowell Johnson’s request, **The Mayor** explained that Mr. Johnson owns property by Russon Brothers Mortuary and is requesting that the proposed “Welcome to Farmington” sign (which is actually on UDOT property) be moved closer to Main Street because he may want to purchase the property. **The Mayor** proposed the Park and Clark Lane area as an alternate site, since the west side of the City needs welcome signs. He pointed out that it is part of the strategic plan to bring all of the town together.

The Council discussed possible locations for welcome signs. **Sid Young** suggested having an overall plan for signs and their locations. Other Council Members agreed.

**Motion**

**Dave Hale** moved to eliminate the plan for a “Welcome to Farmington” sign at the center of the excess UDOT property located west of Russon Brothers Mortuary. The motion was seconded by **Rick Dutson** and passed by a unanimous vote.

The Council further discussed the sign issue.

**Motion**



**Rick Dutson** made a motion to leave open the option to have a potential sign location on the south end of the UDOT property, and to study other potential sign locations throughout the City. **Cory Ritz** seconded the motion which passed unanimously.

**Mayor Harbertson** suggested that a survey be included in the City newsletter to determine potential participation in recycling, and to answer questions and explain estimated costs of recycling. The Council discussed these issues.

**Max Forbush** raised the possibility of including information about a proposed \$2.00 water increase per month in the newsletter. The Council discussed whether to include this in the survey.

The issue of recycling was further discussed. **Cory Ritz** felt that recycling costs should not be underestimated to the public. **Rick Dutson** said it was important to clarify that recycling costs are unknown. **Sid Young** suggested a survey question about a recycling center as opposed to mandatory curbside recycling, and **Max Forbush** said experts have indicated that recycling centers are not well-used.

The Council/Planning Commission convened to a closed session at this time.

**CONVENING OF JOINT CITY COUNCIL/PLANNING COMMISSION MEETING/MINUTE MOTION ADJOURNING TO CLOSED SESSION TO DISCUSS STRATEGY AS IT RELATES TO PENDING LITIGATION. (Agenda Item #21)**

At 8:55 p.m. a motion to go into closed session to discuss strategy as it pertains to pending litigation was made by **Sid Young** and seconded by **David Hale**. A roll call vote was taken, and Council Members **Alder, Dutson, Young, Hale**, and **Ritz** all voted in favor of the motion.

A motion was also made by **Planning Commissioner Mike Wagstaff** to go into a closed session to discuss strategy as it relates to pending litigation. The motion was seconded by **Jim Young**. The motion carried with all Planning Commissioners voting in favor.

Present during the closed session were: Mayor Scott Harbertson, Council Members Paula Alder, Rick Dutson, David Hale, Cory Ritz and Sid Young; Planning Commission Members John Bilton, Geoff Butler, Mike Wagstaff, Randy Hillier, and Jim Young; City Manager Max Forbush; David Petersen and Glenn Symes from the City's Community Development Department; City Attorney Todd Godfrey and Margy Lomax, City Recorder.

**SWORN STATEMENT**

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was



conducted while the Council was so convened in a closed meeting.

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Scott C. Harbertson, Mayor

At 9:35 p.m. **David Hale** made a motion to go out of closed session. The motion was seconded by **Rick Dutson** and all Council Members voted in favor. The meeting was then convened into an open session.

### **MAYOR HARBERTSON 'S REPORT**

Mayor Harbertson referred Council Members to an article included in their packets regarding the Burn Plant. The article was titled the "Strategic Plan Financial Model Results" for Wasatch Integrated Waste Management District.

Mayor Harbertson reported that Garbett Homes has been having difficulty selling homes. They did sell two last week, but have more to be sold. They have a new Property Manager who is taking care of things that have been neglected in the Farmington Crossing development.

In other development-related issues, Mayor Harbertson reported that Woodside Homes might be finished building in Utah. Jerry Preston wants to amend Phase III of Rice Farms so as to construct attached units. He will be coming before the City Council to seek approval for such units.

Mayor Harbertson reported Sharon Treu and Patricia Anderson came to a Town Hall meeting and spoke with him and Paula Alder regarding the new Zion's Bank building located on north Main Street in an NMU Zone. They said that any commercial buildings constructed in that zone along Main Street should have a residential feel and also be screened from Main Street. After a short discussion, the Council felt the Zion's Bank building is fine, but that it could possibly use more screening.

David Petersen said Zion's Bank is just starting their landscaping and that more will be added. Mr. Petersen is to respond in writing to Mrs. Treu and Mrs. Anderson regarding their concerns.

### **CITY COUNCIL REPORTS**

**David Hale** reported on a Historic Preservation meeting wherein the possibility of Davis County offices being relocated to the Station Park development was discussed. Members of the Historic Preservation Commission were very much in favor of County offices moving to west Farmington and renovating the Courthouse so that it could be used as a County Library.

Mr. Hale also stated that Provo City has an interactive program on historic preservation through Google. He said from a planning point of view, the historic sites need to be identified and then



provide that information to Matt McCullough, the City's GIS Specialist. He complimented Matt on placing the old mud wall on a map.

\_\_\_\_\_ **Sid Young** gave a report on the Utah League of Cities & Towns. The League is following bills affecting cities and towns which are introduced at the State Legislature such as a bill intended to exempt State-owned facilities from impact fees. Senator Bell has proposed a counter bill which would require them to pay. He said the debate on the food sales tax has stopped and that discussion is taking place on B&C road financing and the use of cell phones while driving.

\_\_\_\_\_ Mr. Young also reported on a training meeting he had attended with Eric Miller, Building Inspector, regarding radon gas which is radioactive decay under homes. Information can be to builders and owners on mitigation of it. Mitigation involves a hole and vent being installed in the attic in order to pull the gas out of the floor. The cost of mitigation for a new home is between \$400 - \$800. For an existing home the cost is \$1,500 and higher. Mr. Young said Farmington has a high level of radon gas.

### **MISCELLANEOUS ITEMS**

- **Proposed Billboard Legislation**

David Petersen referred Council Members to the proposed billboard legislation which was included in their packet. This bill has to do with placement of billboards and the designation of "Scenic Byways". He said a billboard in Naples started the legislation. He asked for comments from the Council that he could pass along to legislators regarding the bill.

- **Structure for Festival Days**

\_\_\_\_\_ Mayor Harbertson suggested that Neil Miller, Parks & Recreation Director, and his committee take care of all the planning for Festival Days but to report to the Council on their plans in a timely manner so that if Council wants to change anything, it can be accomplished. Sarah Hale will be working with Mr. Miller on Festival Days this year.

Max Forbush reported there is a bill in the House at the State Legislature to raise the gas tax. He asked what position the City Council wanted to take. He feels it is a good thing, because the City needs funding to be able to build roads. The Council gave Mr. Forbush the go ahead to lobby House members encouraging them to pass the bill.

Mr. Forbush also reported that Earl Wheeler's son had contacted him stating Mr. Wheeler is willing to sell the back portion of his property which abuts the property recently purchased from Scott Bass for a new City Hall. Mr. Wheeler is also willing to give the City an option to purchase his home. Mr. Forbush stated he thought the back portion of Mr. Wheeler's property would be valued between

\$40,000 - \$45,000 due to the fact that it does not front a street. The City Council felt the City should



try to purchase the property possibly spreading the cost of it over two fiscal years.

**ADJOURNMENT**

There being no further business and upon a motion made by **David Hale**, the meeting was adjourned at 10:15 p.m.

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Margy Lomax, City Recorder  
Farmington City